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of the trust *res* led to much confusion of reasoning, although the decision was correct. A much sounder case is that of *In re Barned's Banking Co.*, 39 L. J. Ch. 635, which held that the relation created by a deposit of money with a bank for the purpose of removing an indebtedness to a third party is not one of trust, but of debtor and creditor. Business expediency requires that a bank be permitted to mingle with its own funds deposited for such purposes. There can, therefore, be no specific trust *res*, and the bank must be regarded as the debtor of the depositor.

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## REVIEWS.

THE LAW OF WILLS, for Students. By M. M. Bigelow. Boston: Little, Brown, & Co. 1898. pp. xxxii, 398.

In contrast with the voluminous text-books at present in vogue, it is refreshing to notice a small, compact, and well-written law-book. Such a book is Mr. Bigelow's work on the law of wills. No claim is made to any great originality; limitation of space forbids full discussion of principle. But as a summary, the book has a distinct reason for its existence, which is no small praise. If criticism were to be offered, it would be that for so compact a work the details of the minute rules for the "secondary construction" of wills are examined with a care more than likely to confuse the student, and of value chiefly to a professional. Yet it is mainly for the student that the book is written.

The substantive law is completely stated. The ground taken in regard to the construction of wills is somewhat to be regretted, the adherence to the narrow rule as set forth by Sir James Wigram (p. 161). A broader rule would have been more satisfactory. See NOTES. In view, moreover, of the full discussion of how to construe an ambiguous word by the context, the rules of construction by means of extrinsic facts are neglected,—rules which seem to be, not as the author contends, merely rules for defining the primary meaning of the words, but rules of construction for determining between the primary and the secondary meanings (p. 162). One other matter is too severely stated, the test of undue influence (p. 85). While the author admits that persuasion by wife or child may not amount to undue influence, he says that persuasion by one whose power is illegitimate, as, for instance, a mistress, is undue. This conclusion hardly seems sound. Undue influence must be coercion. Mental coercion it may be, but persuasion is not coercion at all. *Wingrove v. Wingrove*, 11 P. D. 81. Criticism, however, may give a false impression, for there are few things to be criticised adversely. The many applications of the rules of revocation are well treated, and the author's adherence to principle is commendable when he finds "grounds to doubt" whether a will can be looked upon as revoked when the testator's purpose to revoke was frustrated by the misconduct of another. In general, as a handbook of the subject, the work succeeds.

J. G. P.

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THE HUDSON'S BAY COMPANY'S LAND TENURES AND THE OCCUPATION OF ASSINIBOIA BY LORD SELKIRK'S SETTLERS. With a List of Grantees under the Earl and the Company. By Archer Martin. London: William Clowes & Sons, Limited. 1898. pp. ix, 238.

In 1634 a vast tract of American territory was granted the "Governor and Company of the Hudson Bay Adventurers." The Company, in

1811, sold a large part of what is now Assiniboia and Manitoba to the Earl of Selkirk. He undertook to colonize it, but the attempt was not a financial success, and in 1834 the property was returned to the Hudson Bay Company. Thirty-five years later all the possessions of this Company were resold to the Crown. In the course of these changes of ownership, many grants were made to settlers; and as a whole, they were carelessly recorded. From this fact, and from the fact that among the settlers there were frequent transfers of possession by verbal sale, or by abandonment, great confusion of title resulted; and the unravelling of this tangle has caused endless trouble to the Canadian courts.

In this book the author has endeavored, in a measure, to clear up these difficulties by a full compilation of original grants, and by a careful investigation of the subsequent history of the lands comprised. An example will bring out the importance of this work. For many years it was believed, and the courts acted on the belief, that the grants by Lord Selkirk were all leaseholds. Mr. Martin has proved beyond question that the great majority were grants in fee simple. It thus appears that thousands of acres have been handed over to executors which of right should have gone to the heirs.

There have been many difficulties in the way of accurate work. First, the Statute of Frauds, passed after the original grant to the Hudson's Bay Company, has never been in force as touching their possessions. The mere verbal agreements, therefore, of the early settlers passed good titles. Again, of those title documents which did exist, a large part were destroyed by fire, more by the unlawful act of a revengeful Governor, and still others by the half-breeds in the Red River rebellion. In spite of all this the author has brought together very full tables of grants. He has discovered also much that is of interest and importance regarding the land tenures under the different proprietors. His task has been laborious, but his contribution to the land law of Canada is correspondingly valuable.

G. B. H.

THE LIFE OF DAVID DUDLEY FIELD. By Henry M. Field. New York: Charles Scribner's Sons. 1898. pp. 361.

From the above title we are led to expect a careful, serious biography. Instead, Mr. Field has given a volume of personal recollections of his brother. He has made no attempt to describe and analyze David Field's great work in the formation of the New York Codes, no attempt even to give a complete record of the happenings of his life, passing over, for example, the unpleasant episodes which grew out of his relations with Fisk.

The value of the book lies in the statement of certain facts which lay peculiarly in the author's memory. Probably no one else could tell so well of Field's immense capacity for work, of his enthusiasm for the cause of reform in the law, of his part in the nomination of Lincoln, and of his devotion to the cause of a generous reconstruction of the South.

Taken as a whole, the book is not well written. The author is diffuse, over-fluent, too willing to please with gossipy anecdote, too willing to indulge in independent philosophical reflections or in irrelevant historical comment. In such a setting it is most pleasant to come upon the quotations from Field's own speeches, particularly from his speech before the Peace Conference of 1861.

J. P. C., JR.